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Gender, Land and Fertility - Women's Access to Land and Security of Tenure

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The need to link agricultural and population policies has increasingly been recognized in recent years. Major agricultural development goals, such as improvements in land productivity, the establishment of secure cultivation rights and the redistribution of land are believed to be influenced by demographic conditions. Similarly, demographic behaviour and demographic trends are shaped by the rural environment, including land/tenure arrangements and conditions.

An important element in the land-fertility/mortality interface is gender. Institutional arrangements and socio-economic and socio-cultural norms can contribute differently to the experiences of men and women in relation to land and fertility. Whilst the issue concerns all rural households, it is also important to recognize some of the specific constraints that affect female-headed households.

1. Access to land

Differing household demographic conditions demand differing land arrangements. Land arrangements can be divided up between physical and rights-based characteristics. The former concern the size and degree of fragmentation, location and quality of a land holding. The latter refer to the rights, security, conditionality and legal status that is conferred on an individual (or collective) piece of land. One of the most important factors determining the relationship between households and land is a household's ability to acquire access to land. An analysis of fertility and mortality trends should, therefore, include a study of the constraints affecting the ability of different types of households to acquire access to land in order to make appropriate responses to

demographic change. A series of typical general constraints inhibiting access to land can be identified:

- legal conditions
- transaction costs
- credit/savings
- location
- income
- land prices

Each of these generic constraints assumes a particular form and relevance according to specific conditions in different regions, socio-cultural and socio-economic contexts and as a result of the social, cultural, economic, political, production and demographic conditions of individual households. It is, therefore, not possible to make generalizations regarding the precise content and impact of these constraints apart from providing broad guidelines. Furthermore, as land access issues throughout most developing regions are characterized by high levels of gender inequality, additional emphasis will be placed on this issue.

Legal conditions: rules, regulations and customs. Every household decision to acquire additional land is governed by a set of rules and regulations. These may consist of national and/or local laws, customs or policy conditions. Each of these, however, imposes a distinct conditionality on the capacity of a household to gain access to land. It is essential, therefore, that the full range of legal, customary and policy conditions that affect access to land is analysed in order to determine the differential levels of access afforded to different types of rural households, also broken down by gender. It is important to bear in mind that both modern and traditional laws tend to be interpreted in favour of male ownership and control and that in some cases, laws may bar women from acquiring or disposing of land without their husbands' consent. The impact on female-headed households can be severe: in the case of sub-Saharan Africa, for instance, widows may be forced to abandon the land altogether and return to their parents' village.

Transaction costs. Institutional procedures of acquiring land often involve transaction costs (i.e. registration fees) which may be prohibitively high for resource-poor farm households. Moreover, as women tend to have lower incomes than men, they may be less likely to afford the cost of transaction fees.

Credit/savings. Many farm households do not have access to credit, as they do not have the collateral - usually land title or cattle - required for agricultural loans. The resulting vicious circle (without land farmers cannot get credit and without credit they cannot acquire land) often means that high fertility may be among the few alternatives available for these households to improve their tenure status. Socio-cultural constraints and stereotypes of non-creditworthiness tend to preclude women from obtaining access to many formal sources of credit, like banks, cooperatives and credit unions. An analysis of credit schemes in Kenya, Malawi, Sierra Leone, Zambia and Zimbabwe found that, by and large, women had received less than 10% of the credit directed to smallholders and 1% of the total credit to agriculture.

Location. Poor farmers often have fragmented plots of dispersed or remote land. As a result, their labour productivity is reduced while their workload is increased (they often require more time to transport tools, inputs and harvested produce from one plot to another and may spend more time commuting). These conditions increase the need for additional labour and may therefore encourage men and women to have more children. Women tend to have even more marginal and remote land than men, and in many cases, their land is less fertile.

Income. A household's ability to acquire land is largely dependent on the combined income of its members (on- and off-farm income and remittances). Many farm households often do not have the income required to purchase land without credit. A large number of children is often perceived as one means with which to increase source of income within a family and thus be in a better position to acquire land. Women tend to have substantially lower incomes than men, as they engage in unpaid on-farm and domestic labour or informal sector activities which yield meagre earnings.

Land prices. The price of land is often prohibitively expensive for many rural households, and particularly for female-headed households, which are often also denied credit. The response of resource-poor families may well be to opt for a large family in the hope that this may increase family income and therefore improved the ability of the household to acquire land.

Gender disparities in access to land

Disparities in male/female access to land are virtually universal. In Latin America, men and women do not have equal access to land even in those countries where legislation has removed gender barriers to land ownership. In this region, as well as in the Caribbean, women's access to land and to other property generally takes place through a male relative.

In most of (patrilineal) Africa, the usufruct right to land prevails and customary land use practices often determine access to land in terms of use rights or ownership. Women are essentially temporary custodians of land passing from father to male heir, even though they may be de facto heads of household. As unpaid labourers on their husbands' land, while also cultivating separate plots in their own right, African women usually lose the rights to land following the death of their spouse. Widows and divorced women have virtually no tenure or inheritance rights with which to ensure food security for themselves or their children (it is only through their male children, or male relatives from their husband's lineage that women have land tenure rights).

Socio-economic and socio-cultural norms and institutional arrangements accentuate women's inequality of access to land, thereby indirectly encouraging high fertility. For instance, the fact that land title and land tenure tend to be vested in men may be a legal condition, but it also reflects socio-cultural tradition. In India, daughters usually waive their land rights in favour of their brothers, to avoid being denounced as "selfish," and risk being alienated from their natal families. This often results in social pressure for women to bear as many sons as possible, as this can be their only means of security of access to land. In the Middle East, women rarely own land, and when they do, the land is often controlled or managed by male relatives until marriage, after which the titles are transferred directly to their sons.

Even when women have user rights, they have limited rights over the fructus of their labour. As a result, their restricted bargaining power over the use of the fructus is not likely to be reflected in decisions regarding the education of girl children, known to delay age at marriage and childbearing, thereby reducing fertility and mortality.

2. Security of tenure

Another important factor determining the relationship between rural households and land is security of tenure, or the ability of men and women to maintain the rights and conditions that permit secure use of the land. Security of tenure is to a large extent a social contract through which the community bestows to an individual or household the right to cultivate land. It is a critical socio-economic and psychological right granted to individual men and women or to groups under different forms of land tenure. Security of tenure allows individuals or groups to reap the benefits of their labour and ensures that their children have future control over the land.

An analysis of fertility and mortality trends should, therefore, include a review of the constraints (including gender) that affect the ability of different types of households to maintain use rights in order to make appropriate responses to demographic change. Security of tenure is especially important to women, given their lower socio-economic status and limited access to productive resources and services, as it affects both their productive and reproductive lives. Constraints to security of tenure are linked to a variety of factors, including land ownership, use, regularization (including demarcation and adjudication), among others.

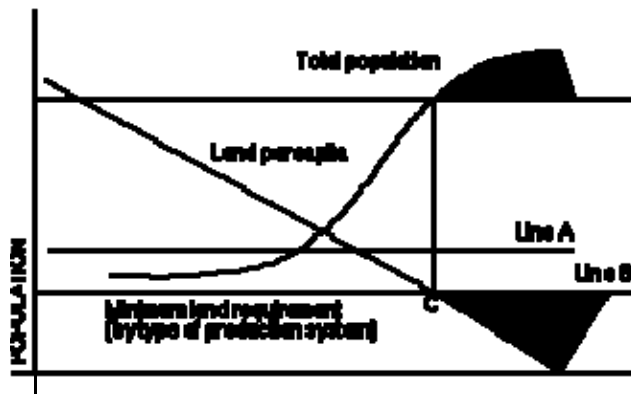
Ownership. Demographers have focused primarily on one aspect of security of tenure - land ownership - and its interface with fertility, and have established a negative relationship between ownership and family size. It has been argued that ownership tends to reduce fertility by providing an alternative means of security in old age, thus substituting for children's support. According to demographers, research in the Philippines and India has shown that land owners have smaller families than tenants. A 1978 FAO study on Population and Socio-Economic Change in 18th and 19th century Hungary found that agricultural producers who did not own land had nothing to lose by having a large number of children, while farmers who owned land and who therefore had much to lose from subdividing the land for their children had lower rates of fertility. It has also been argued that the total effect of land ownership is to reduce fertility through its influence on female education and village-level traditionalism. However, ownership of land per se is only one element of security of tenure and does not necessarily guarantee use rights.

Land use. In many developing countries, security of tenure is guaranteed by the utilisation of land. As long as a farmer cultivates the land, he/she enjoys security of tenure. However, under external pressures (population growth, competition for resources for instance on land that has the potential for irrigation), use rights can be eroded. Women tend to be among the first to lose use rights. Polygamy and high fertility (i.e. in many parts of sub-Saharan Africa), besides being factors related to labour requirements, are among the demographic mechanisms that have been devised by some societies to ensure land use rights.

Land regularization (including demarcation of parcels and adjudication). Demarcation of parcels refers to the physical identification and recording of specific plots that facilitates the resolution of ownership and/or border disputes. It is also a vital precondition for the development of land cadastres and record systems. The demarcation of parcels is a critical element of tenure security, without which, under certain conditions, land titling may become meaningless. While demarcation of parcels is prevalent in many parts of Asia and Latin America, this is not yet the case in Africa, except for urban peripheries where the value of the land increases as a result of its investment potential. However, the demarcation of parcels is gradually becoming a priority in Africa as well because of land shortage due to degradation, increasing population pressure, etc.

It has been argued that insecurity of tenure does not stem from indigenous systems themselves, but from external factors or pressures which do not take into account the structure and operation of existing tenure systems and their socio-economic impact. Traditional land tenure systems are often unable to absorb outside pressures such as population pressure on land, war and civil conflict, drought, famine, environmental degradation, environmental- and conflict-induced refugees, the introduction of new technologies and cash crops, and government intervention. In such cases, insecurity of tenure and land tenure conflicts may result. In Kenya, public intervention led to increased tenure insecurity: the land titling programme failed to achieve its goals and security of tenure was further eroded because the formal registration system did not replace the indigenous one, as it was attempted without popular participation and therefore without due consideration of local traditions and norms.

Figure 1 - The interface between land and population



The implications of security of tenure become particularly relevant when external pressures menace this security. As seen in Figure 1, security of tenure is threatened when the population/arable land equation reaches a certain level, or threshold, beyond which it may lead to land conflicts. A single threshold would apply for a certain type of production system as the minimum surface required to ensure the survival of a family. When the population increases at a rate that exceeds the capacity of the production system to adjust in order to increase its productivity - passing from line A to B - the surface per capita will fall below this line or threshold. From that point - or point C - it can be argued that there emerges a problem of security of tenure as a result of population pressure on land affecting the existing system.

Gender disparities in security of tenure

Even when women have access to land, their security of tenure is often precarious. Under customary law, men and women usually have clearly defined rights to land, trees and water as well as usufruct rights, bestowed on them by the community elders. Women thus retain control over the land they use and its products. Traditional communal rights are in many regions being replaced by land tenure systems based on exclusive use, ownership and titling which tend to erode the rights of vulnerable groups, including women and minority, ethnic or nomadic groups. For instance, in Jamaica, in 1954, 56% of farms were owned by men, but by 1961 the figure had increased to 76%. Women's inequality of access to land was a result of the increase in purchase of legal titles, in line with the British legal tradition, that linked the use of the land with individual property. It also stemmed from the fact that land settlement schemes granted resources mainly to male heads of household, who were perceived to be the ones responsible for the sustenance of their family. This ignored the fact that in many parts of the world it is in fact the women farmers who are largely responsible for food production and security.

Agricultural transformation is another factor contributing to the erosion of women's security of tenure. For instance, in the case of the Nair community in Kerala, India, the commercialization of agriculture and the subsequent demand for land eroded women's traditional land rights. Another generic example is the substitution of food crops with cash crops. Before the introduction of cash crops, women, who usually produce the bulk of food crops, are traditionally entitled to land. Once cash crops are introduced, however, the same right to land with high potential is claimed by the men who grow them. As cash crops are perceived to be more profitable than food crops, competition for land use rights results between men and women, which can lead to a progressive marginalization of women farmers formerly cultivating fertile land. Thus, combining factors like agricultural transformation with population growth can change the interface between gender, land and population (see Figure 1 above).

When security of tenure is menaced, women tend to be among the first groups to lose use rights. This may contribute to high fertility; families may perceive having a large number of children (with preference for sons) as a rational strategy through which to improve food and tenure security and ensure old-age support. The same strategy has been noted where women will strive for a large family to overcome the labour constraints induced by disabled husbands. However, it should be noted that this often takes place at the expense of sustainability and of future generations.

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